IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 18519 of 2004

Between:

P.Ramchander Rao,

S/o P.Satyanarayana,
HSY Junior College,

Gandhigram, Visakhapatnam

..... PETITIONER

AND

1 Gandhigram Educational Society,

(Dept.of Education) (Regd.No.643/98)

rep., by its Secretary,

Gandhigram, Visakhapatnam

2 Hindustan Shipyard Jr.College,

rep., by its Correspondent,

Gandhigram, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction, especially one in the nature of Mandamus, i) declaring the action of the respondents in seeking to disengage the services of the petitioner as Jr. Lecturer in English as illegal and arbitrary ii) Consequently direct the respondents to regularize the services of the petitioner as Jr. Lecturer in English with

effect from the date of his initial appointment duly granting all other consequential benefits and iii) pass any such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances.

Counsel for the Petitioner: Mr. K.VASUDEVA REDDY

The Court at the admission stage made the following ORDER:

The petitioner is working as a Lecturer in English on daily wage basis in the 2nd respondent-College since 1996. The petitioner contends that the 2nd respondent-College addressed the Director of Intermediate Education on 30-9-2004 seeking permission to fill up the posts of Junior Lecturers including the post of English Lecturer. The petitioner apprehends that if permission is granted by the Director of Intermediate Education, the 2nd respondent-College is contemplating to replace the petitioner and appoint a new person in his place. The petitioner further contends that he was appointed as a temporary Junior Lecturer in English after the retirement of Sri G.Srirama Murthy on 08-07-2003. With the above apprehension, the petitioner approached this Court seeking a direction to the respondents to regularize his services as a Junior Lecturer in English with effect from the date of his initial appointment.

Regarding the regularization of the services of the petitioner, it is for the management to take a decision whether to regularize the services of a temporary Lecturer or not. No direction can be given to the respondents to regularize the services of the petitioner. If the post of junior Lecturer is proposed to be filled by another temporary Lecturer, it is appropriate for the respondents to continue the petitioner in the same post as a temporary Lecturer unless they pass an order in writing as to why they are disengaging the petitioner from service. The respondents are directed to continue the services of the petitioner till they take a decision whether they are proposing to fill up the vacancy on regular basis or till they pass appropriate orders regarding the continuation of the petitioner in service.

The Writ Petition is accordingly disposed of.

(Dr. G.YETHIRAJULU,J)

11th October, 2004.

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To

1. The Secretary,

Gandhigram Educational Society,

(Dept.of Education) (Regd.No.643/98)

Gandhigram,

Visakhapatnam

2. The Correspondent,

Hindustan Shipyard Jr.College,

Gandhigram,

Visakhapatnam.

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